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E-File: September 29, 2009

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12 Attorneys for Debtors and  
 13 Debtors in Possession

14  
**UNITED STATES BANKRUPTCY COURT**  
 15  
**DISTRICT OF NEVADA**

17 In re:

Case No.: BK-S-09-14814-LBR  
 (Jointly Administered)

18 THE RHODES COMPANIES, LLC, aka  
 19 "Rhodes Homes, et al."<sup>1</sup>  
 20 Debtors.

Chapter 11

21 Affects:

22  All Debtors  
 Affects the following Debtor(s):

23 Rhodes Design and Development  
 Corporation 09-14846 LBR; Rhodes  
 24 Homes Arizona, LLC 09-14882 LBR

Hearing Date: October 30 2009  
 Hearing Time: 1:30 p.m.  
 Courtroom 1

26  
 27 <sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if  
 applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch  
 General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837);  
 Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730);  
 Tuscany Acquisitions, LLC (0206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777);  
 Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963);

1                   **DEBTORS' SECOND OMNIBUS OBJECTION TO CLAIMS PURSUANT TO SECTION**  
 2                   **502(b) OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 3003 AND 3007**  
 3                   **[INSUFFICIENT DOCUMENTATION CLAIMS]; DECLARATION OF PAUL D.**  
 4                   **HYUGENS IN SUPPORT THEREOF**

5                   The above-captioned debtors and debtors in possession (collectively, the “Debtors”)  
 6                   hereby object (the “Second Omnibus Objection”) to each of the claims (the “Insufficient  
 7                   Documentation Claims”) attached hereto as **Exhibit A**, pursuant to section 502(b) of title 11 of  
 8                   the United States Code (the “Bankruptcy Code”) and Rules 3003 and 3007 of the Federal Rules  
 9                   of Bankruptcy Procedure (the “Bankruptcy Rules”), and request the entry of an order (the  
 10                   “Order”) disallowing and expunging in full each of the Insufficient Documentation Claims as  
 11                   indicated in further detail below.<sup>2</sup> In support of this Second Omnibus Objection, the Debtors  
 12                   rely on the *Declaration of Paul D. Huygens in Support of Debtors' Second Omnibus Objection to*  
 13                   *Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007*  
 14                   *[Insufficient Documentation Claims]*, attached hereto. In further support of this Second  
 15                   Omnibus Objection, the Debtors respectfully represent as follows:

16                   **BACKGROUND**

17                   1. On March 31, 2009, the above-captioned Debtors (the “Primary Filers”) except  
 18                   Tuscany Golf Country Club, LLC, Pinnacle Grading, LLC, and Rhodes Homes Arizona, LLC  
 19                   (the “Secondary Filers”) filed voluntary petitions for relief under chapter 11 of title 11 of the  
 20                   Bankruptcy Code. On April 1, 2009, the Secondary Filers filed voluntary petitions for relief  
 21                   under chapter 11 of the Bankruptcy Code. All references to Petition Date herein shall mean  
 22                   March 31, 2009 for the Primary Filers or April 1, 2009 for the Secondary Filers, as applicable.  
 23                   The Debtors are continuing in possession of their property and are operating and managing their

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25                   C&J Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673);  
 26                   Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six  
 27                   Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642);  
 28                   Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf  
 29                   Country Club, LLC (7132); Pinnacle Grading, LLC (4838).

<sup>2</sup> The Debtors reserve the right to file additional omnibus objections, whether on substantive or non-substantive grounds, to any and all other claims filed against their estates.

1 businesses, as debtors in possession, pursuant to sections 1107 and 1108 of the Bankruptcy  
2 Code.

3       2. The Debtors object to each of the following Insufficient Documentation Claims,  
4 true and correct copies of which are attached hereto as **Exhibit A**:

5           • Claim No. 7, filed by Charles Damus & Associates (the “Charles Damus Claim”)  
6              in Case No. 09-14846 against Rhodes Design and Development Corporation in  
7              the amount of \$12,000.00; and  
8           • Claim No. 14, filed by Citibank South Dakota, N.A. (the “Citibank Claim”) in  
9              Case No. 09-14882 against Rhodes Homes Arizona, LLC in the amount of  
10             \$4,738.45.

11       3. With respect to the Charles Damus Claim, the supporting documentation attached  
12 to the claim is insufficient for the Debtors to determine the validity of the claim. On July 17,  
13 2009, the Debtors requested by fax that claimant provide additional information to support its  
14 claim, a true and correct copy of which is attached hereto as **Exhibit B**. On July 29, 2009, the  
15 Debtors again contacted claimant, this time by telephone, to once again request additional  
16 supporting documentation. As of this date, the Debtors have not received any response or  
17 documentation supporting the Damus Claim.

18       4. With respect to the Citibank Claim, claimant failed to attach any documentation  
19 supporting its claim. The Debtors are unable to locate any records pertaining to the claim based  
20 on the information provided on the claim, and therefore are unable to determine the validity of  
21 the Citibank Claim. On or about July 27, 2009, the Debtors attempted to contact Citibank to  
22 request additional documentation supporting its claim. The telephone number provided by the  
23 claimant is an automated system, and without a complete account number, the Debtors were  
24 unable to access the system or speak to a live representative.

25       5. On August 17, 2009, the Debtors sent claimant a letter requesting additional  
26 documentation supporting their claim, a true and correct copy of which is attached hereto as  
27 **Exhibit C**. As of this date, the Debtors have not received any response or documentation  
28 supporting the Citibank Claim.

LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

## **RELIEF REQUESTED**

6. By this Second Omnibus Objection, the Debtors seek entry of an order, pursuant to section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007, disallowing and expunging in full each of the disputed claims as indicated in further detail below.

## **OBJECTION**

7. Bankruptcy Rule 3007(d) provides that the Debtors may submit objections to more than one claim in an “omnibus” format if the claims were presented in a form that does not comply with applicable rules, and that the objector is unable to determine the validity of the claim because of the noncompliance. The disputed claims do not provide sufficient documentation for the Debtors to determine the validity of the claims. For the reasons set forth herein, the Insufficient Documentation Claims are not valid claims against the Debtors.

8. Bankruptcy Code section 502 authorizes a party in interest to object to claims. See 11 U.S.C. §502(a). Although a proper proof of claim is presumed valid under Bankruptcy Rule 3001(f), once an objection controverts the presumption, the creditor has the ultimate burden of persuasion as to the validity and amount of the claim. *Ashford v. Consolidated Pioneer Mortg.* (*In re Consolidated Pioneer Mortg.*), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *In re Allegheny International, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). The Bankruptcy Appellate Panel for the Ninth Circuit explained the shifting burdens of proof with respect to objection to proofs of claim as follows:

The burden of proof for claims brought in the bankruptcy court under 11 U.S.C.A. § 502(a) rests on different parties at different times. Initially, the claimant must allege facts sufficient to support the claim. If the averments in his filed claim meet this standard of sufficiency, it is “prima facie” valid. In other words, a claim that alleges facts sufficient to support a legal liability to the claimant satisfies the claimant’s initial obligation to go forward. . . . The burden of persuasion is always on the claimant.

1       *Id.* (emphasis added). Following this decision, the District Court for the Northern District of  
2 California emphasized, “unless the claimant has alleged ‘facts sufficient to support a legal  
3 liability, ‘the claim is not *prima facie* valid.’” *In re Hongnisto*, 293 B.R. 45, 50 (N.D. Cal. 2003)  
4 (quoting *Consolidated Pioneer Mortg.*, 178 B.R. at 266) (holding that the claimant’s proof of  
5 claim failed to allege sufficient facts to support a legal liability and consequently disallowed the  
6 proof of claim); see *Consolidated Pioneer Mortg.*, 178 B.R. at 227 (holding that because the  
7 proof of claim did not allege sufficient facts to support the claim, the proof of claim was  
8 disallowed).

9        9. Based on the Debtors' review of their books and records and the disputed claims,  
0 the claimants have no valid legal justification for asserting the filed Insufficient Documentation  
1 Claims against the given Debtor. As a result, the Debtors submit that the Insufficient  
2 Documentation Claims should be expunged by the Court.

## **CONCLUSION**

4       10. The Debtors object to the allowance of the Insufficient Documentation Claims as  
5 set forth herein for the reasons stated herein, and the Debtors hereby move this Court for an  
6 Order disallowing and expunging in full each of the Insufficient Documentation Claims  
7 identified herein.

## NOTICE

9       11. Notice of this objection has been provided to (i) the Office of the United States  
0              Trustee, (ii) counsel to the Creditors' Committee, (iii) each holder of an Insufficient  
1              Documentation Claim to which the Debtors are objecting in this Second Omnibus Objection in  
2              accordance with the addresses provided in the proofs of claim for such Insufficient  
3              Documentation Claims, (iv) each person or entity that has filed a notice of appearance and  
4              request for special notice, and (v) other required parties pursuant to the Court's case management  
5              order entered in these cases. The Debtors submit that in light of the nature of the relief requested  
6              herein, no other or further notice is required.

12. Pursuant to Bankruptcy Rule 3007, the Debtors have provided all claimants affected by the Second Omnibus Objection with at least thirty (30) days' notice of the hearing on the Omnibus Objection.

WHEREFORE, the Debtors respectfully request that the Court enter an Order, substantially in the form attached hereto as **Exhibit D**, disallowing and expunging the Insufficient Documentation Claims, and granting such other and further relief as the Court deems just and proper under the circumstances of these chapter 11 cases.

**DATED** this 29<sup>th</sup> day of September, 2009.

LARSON & STEPHENS

/s/ Zachariah Larson, Esq.  
Zachariah Larson, Bar No. 7787  
Kyle O. Stephens, Bar No. 7928  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, NV 89101  
702/382-1170  
Attorneys for Debtors and Debtors in  
Possession

**LARSON & STEPHENS**  
310 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

**Declaration of Paul D. Huygens in Support of Objection**

1                   I, Paul D. Huygens, declare as follows:

2                   1. I am the Senior Vice President of Special Projects of the above-captioned  
 3 debtors and debtors in possession (the “Debtors”). The facts set forth in this Declaration are  
 4 personally known to me and, if called as a witness, I could and would testify thereto.

5                   2. This declaration is submitted in support of the *Debtors’ Second Omnibus*  
 6 *Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules*  
 7 *3003 and 3007[Insufficient Documentation Claims]* (the “Second Omnibus Objection”).

8                   3. I am one of the persons responsible for overseeing the claims  
 9 reconciliation and objection process in the Debtors’ chapter 11 cases. I have read the Debtors’  
 10 Second Omnibus Objection and am directly, or by and through my personnel or agents, familiar  
 11 with the information contained therein.

12                  4. The claims and attached information and documentation were carefully  
 13 reviewed and analyzed in good faith, and the Debtors’ books and records were referenced for  
 14 additonal support, utilizing due diligence by appropriate personnel of the Debtors. These efforts  
 15 have resulted in the identification of the disputed “Insufficient Documentation Claims”, as  
 16 identified in the Second Omnibus Objection, true and correct copies of which are attached as  
 17 Exhibit A to the Second Omnibus Objection. I have personally reviewed each of the Insufficient  
 18 Documentation Claims.

19                  5. To the best of my knowledge, information and belief, the claims listed in  
 20 the Second Omnibus Objection, copies of which are attached hereto as **Exhibit A**, are not valid  
 21 claims against the Debtors for the reasons set forth below and in the Second Omnibus Objection.  
 22 As a result, I believe that these the Insufficient Documentation Claims should be disallowed and  
 23 expunged by the Court.

24                  13. With respect to the Charles Damus Claim, the supporting documentation attached  
 25 to the claim is insufficient for the Debtors to determine the validity of the claim. On July 17,  
 26 2009, the Debtors requested by fax that claimant provide additional information to support its  
 27 claim, a true and correct copy of which is attached as **Exhibit B**. On July 29, 2009, the Debtors

again contacted claimant, this time by telephone, to again request additional supporting documentation. As of this date, the Debtors have not received any response or documentation supporting the Damus Claim.

14. With respect to the Citibank Claim, claimant failed to attach any documentation supporting its claim. The Debtors are unable to locate any records pertaining to the claim based on the information provided on the claim, and therefore are unable to determine the validity of the Citibank Claim. On or about July 27, 2009, the Debtors attempted to contact Citibank to request additional documentation supporting its claim. The telephone number provided by the claimant is an automated system, and without a complete account number, the Debtors were unable to access the system or speak to a live representative.

6. On August 17, 2009, the Debtors sent claimant a letter requesting additional documentation supporting their claim, a true and correct copy of which is attached hereto as **Exhibit C**. As of this date, the Debtors have not received any response or documentation supporting the Citibank Claim.

7. I believe that granting the relief requested in the Second Omnibus Objection is in the best interests of the Debtors, their estates and their creditors.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 29<sup>th</sup> day of September, 2009, at Las Vegas, Nevada.

/s/ *Paul D. Huygens*

Paul D. Huygens

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3 **EXHIBIT A**  
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LARSON & STEPHENS  
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Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA		PROOF OF CLAIM
Name of Debtor: <b>RHODES HOMES</b>	Case Number: <b>09-14882</b>	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <b>Citibank South Dakota NA</b>	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	
Name and address where notices should be sent: <b>Citibank South Dakota NA DBA 4740 121st St Urbandale, IA 50323</b> Telephone number: <b>1-800-248-4284</b>	Court Claim Number: _____ (If known)	
Name and address where payment should be sent (if different from above):   Telephone number:	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
<b>1. Amount of Claim as of Date Case Filed:</b> <u>\$ 4378.45</u>	<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.</b>	
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.  <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.	Specify the priority of the claim.	
<b>2. Basis for Claim:</b> <u>Money Loaned</u> (See instruction #2 on reverse side.)	<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).	
<b>3. Last four digits of any number by which creditor identifies debtor:</b> <u>8796</u>	<input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4).	
<b>3a. Debtor may have scheduled account as:</b> _____ (See instruction #3a on reverse side.)	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5).	
<b>4. Secured Claim</b> (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.	<input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7).	
<b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8).	
<b>Describe:</b>	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(__).	
<b>Value of Property:</b> \$ _____ <b>Annual Interest Rate:</b> %	<b>Amount entitled to priority:</b> \$ _____	
<b>Amount of arrearage and other charges as of time case filed included in secured claim,</b>		
<b>if any:</b> \$ _____ <b>Basis for perfection:</b> _____		
<b>Amount of Secured Claim:</b> \$ _____ <b>Amount Unsecured:</b> \$ _____		
<b>6. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
<b>7. Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.)		
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.		
If the documents are not available, please explain:		
<b>Date:</b> 07-15-2009	<b>Signature:</b> The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.	FOR COURT USE ONLY
/s/BEVERLY BOZUNG		

*\*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

*Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.*

**Citibank (South Dakota) N.A.**

Exception Payment Processing  
 P.O. Box 6305  
 The Lakes, NV 88901-6305

**STATEMENT**Account Holder

SS#: XXX-XX- 0000  
 Name: RHODES HOMES

[Account Number]

8796

Bankruptcy Information

Case#: 09-14882  
 Court: NV001  
 Chapter: 11  
 File Date: 07/15/2009  
 341A:

New Balance: \$ 4378.45

Available Credit: \$0.00

[ENTER AMOUNT ENCLOSED]

INCLUDE YOUR ACCOUNT NUMBER ON CHECK AND MAKE PAYABLE TO:

**Citibank, N.A.**

CARDMEMBER NAME	ACCOUNT NUMBER	CREDIT LINE	AVAILABLE CREDIT	STATEMENT DATE
RHODES HOMES	8796	\$0.00	\$0.00	01/27/2009

DATE	DESCRIPTION OF TRANSACTION	AMOUNT
	Principal	4378.45
	TOTAL:	\$ 4378.45

**STATEMENT SUMMARY**

Case 09-14846-lbr Claim 7-1 Filed 04/30/09 Page 1 of 2

B-19 (Official Form 10) (12/98)

UNITED STATES BANKRUPTCY COURT		District of Nevada	PROOF OF CLAIM
Name of Debtor: <b>RHODES DESIGN AND DEVELOPMENT CORPORATION</b>		Case Number: <b>09-14846</b>	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): <b>Charles M. Damus, Esq. Professional Corporation</b>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	
Name and address where notices should be sent:  Charles M. Damus & Associates 624 S. Sixth Street, Las Vegas, NV 89101-6920		Court Claim Number: _____ (If known)	
Telephone number: (702) 382-5034		Filed on: _____	
Name and address where payment should be sent (if different from above):     Telephone number:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	
1. Amount of Claim as of Date Case Filed: \$ <u>12,000.00</u>		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.			
If all or part of your claim is entitled to priority, complete item 5.			
<input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.			
2. Basis for Claim: <u>Discounted Legal Service</u> (See instruction #2 on reverse side.)		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.	
3. Last four digits of any number by which creditor identifies debtor: <u>1204</u>		Specify the priority of the claim.	
3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).	
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.		<input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4).	
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other		<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5).	
Describe:		<input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7).	
Value of Property: \$ _____ Annual Interest Rate ____ %		<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8).	
Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____		<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a) _____.	
Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		Amount entitled to priority: \$ _____	
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.			
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)			
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.			
If the documents are not available, please explain:			
Date: 04/29/2009	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.		
			FOR COURT USE ONLY
Charles M. Damus, President			

*Penalty for presenting fraudulent claim:* Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Case 09-14846-lbr Claim 7-1 Filed 04/30/09 Page 2 of 2

***Charles M. Damus & Associates***

624 South Sixth St.

Las Vegas NV 89101-6920

Tax ID: 88-0174047

Telephone:(702) 382-5034 Facsimile:(702) 384-9289

[www.damuslaw.com](http://www.damuslaw.com)

Rhodes Homes  
 4730 Fort Apache Rd. Ste 300  
 Las Vegas, NV 89147-7947

April 29, 2009

**Attn:** Leslie Walters
 File No.: 1204-001  
 Invoice No.: 23479

Regarding: Dow vs. Rhodes, et. al.

**FEES**

DATE	DESCRIPTION	LAWYER
Apr-29-09	Balance forward \$29,032.15.	CMD
Apr-29-09	Account adjustment for POC per agreed discount -\$17,032.15.	CMD
	Total Fees	0.00 \$12,000.00
	<b><u>Total Fees &amp; Costs</u></b>	<b><u>\$12,000.00</u></b>
	Previous Balance	\$0.00
	Interest accrued since last invoice.	<u>\$0.00</u>
	<b>Balance Now Due</b>	<b>\$12,000.00</b>

*Services Rendered and Payments received after Apr 29/09 will be reflected on your next statement.*

<p>Creditor: (4725050) Charles M. Damus &amp; Associates 624 S. Sixth Street Las Vegas, NV 89101- 6920</p>	<p><b>Claim No: 7</b> <i>Original Filed</i> <i>Date: 04/30/2009</i> <i>Original Entered</i> <i>Date: 04/30/2009</i></p>	<p>Status: <i>Filed by: CR</i> <i>Entered by: GRAUBERGER,</i> <i>KENDRICK</i> <i>Modified:</i></p>
<p>Unsecured claimed: \$12000.00</p>		
<p><b>Total claimed: \$12000.00</b></p>		
<p><i>History:</i></p>		
<p><u>Details</u> <u>7-1</u> 04/30/2009 Claim #7 filed by Charles M. Damus &amp; Associates, total amount claimed: \$12000 (GRAUBERGER, KENDRICK )</p>		
<p><i>Description:</i> (7-1) for legal fees</p>		
<p><i>Remarks:</i></p>		

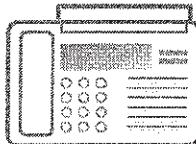
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**EXHIBIT B**  
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LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

**F A X**

**Rhodes Homes**

4730 Fort Apache Rd, # 300  
Las Vegas, NV 89147  
702-873-5338 - phone  
702-873-5129 - fax



To: Charles M. Dumas  
Fax number: 702-384-9289

From: Nichole Mousaw  
Fax number: 702-873-5129

Date: 7/17/2009

Regarding:  
Invoice #23479, File #1204-001

Phone number for follow-up:  
702-873-5338, ext. 2299

**Comments:**

Good afternoon, Mr. Damus.

In April you filed a claim against Rhodes Homes with the bankruptcy court in the amount of \$12,000.00.

An invoice was attached to the filing, but unfortunately, not enough information was provided. Your invoice #23479 simply states a balance forward amount and a discount amount.

Please forward to me a copy of the invoice that includes the original charges with any other pertinent backup documentation.

As I am sure you can understand, we are trying to ensure that our records match the court's and proper documentation is critical.

Thank you for your timely response to this matter.

Respectfully,  
*Nichole Mousaw*

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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO 4775  
RECIPIENT ADDRESS 93849289  
DESTINATION ID  
ST. TIME 07/17 14:35  
TIME USE 00'16  
PAGES SENT 1  
RESULT OK

# F A X

**Rhodes Homes**

4730 Fort Apache Rd, # 300  
Las Vegas, NV 89147  
702-873-5338 - phone  
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LAW OFFICES  
LIMITED LIABILITY PARTNERSHIP

SAN FRANCISCO, CA  
LOS ANGELES, CA  
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NEW YORK, NY

150 CALIFORNIA STREET  
15th FLOOR  
SAN FRANCISCO  
CALIFORNIA 94111-4500

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10100 SANTA MONICA BLVD.  
11th FLOOR  
LOS ANGELES  
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919 NORTH MARKET STREET  
17th FLOOR  
P.O. BOX 8705  
WILMINGTON  
DELAWARE 19899-8705  
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NEW YORK  
788 THIRD AVENUE  
36th FLOOR  
NEW YORK  
NEW YORK 10017-2024  
TELEPHONE: 212/561 7700  
FACSIMILE: 212/561 7777

August 17, 2009

**VIA U.S. FIRST CLASS MAIL**

Citibank South Dakota, N.A.  
Attn: Beverly Bozung  
4740 121<sup>st</sup> Street  
Urbandale, IA 50323

**Re: The Rhodes Companies, et al.  
Chapter 11 Case No. 09-14814  
(Jointly Administered)**

Dear Ms. Bozung:

This firm represents Rhodes Homes Arizona, LLC (the “Debtor”) in its Chapter 11 bankruptcy filed in the United States Bankruptcy Court for the District of Nevada (Case No. 09-14882 LBR). A proof of claim was filed by you on behalf of Citibank, designated as proof of claim number 14 in the amount of \$4,378.45, referencing account number 8796, in the Debtor’s bankruptcy case.

We are unable to locate any such account with Citibank based on the information provided with your proof of claim. Further, our records do not indicate that we hold any accounts with Citibank.

Therefore, we request that you provide additional information, including, but not limited to, the complete name, billing address and account number and other information that will help us identify this account. Thank you.

Very truly yours,

/s/  
Patricia J. Jeffries

PJJ  
Enclosure  
cc: Michael A. Matteo

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7 James I. Stang, Esq. (CA Bar No. 94435)  
8 Shirley S. Cho, Esq. (CA Bar No. 192616)  
9 Werner Disse, Esq. (CA Bar No. 143458)  
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Telephone: 310/277-6910  
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Email: jstang@pszjlaw.com  
scho@pszjlaw.com  
wdisse@pszjlaw.com

14 Zachariah Larson, Esq. (NV Bar No. 7787)  
15 LARSON & STEPHENS  
16 810 S. Casino Center Blvd., Ste. 104  
Las Vegas, NV 89101  
Telephone: 702/382.1170  
Facsimile: 702/382.1169  
Email: zlarson@lslawnv.com

17 Attorneys for Debtors and  
18 Debtors in Possession

20 **UNITED STATES BANKRUPTCY COURT**

21 **DISTRICT OF NEVADA**

22 In re:

23 Case No.: BK-S-09-14814-LBR  
(Jointly Administered)

24 \_\_\_\_\_  
25 <sup>1</sup> The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow,

THE RHODES COMPANIES, LLC, aka  
“Rhodes Homes,” et al.,<sup>1</sup>

Chapter 11

#### **Debtors.**

## Affects:

All Debtors  
 Affects the following Debtor(s):

Rhodes Design and Development Corporation  
09-14846 LBR; Rhodes Homes Arizona, LLC  
09-14882 LBR

Hearing Date: October 30, 2009

Hearing Time: 1:30 p.m.

## Courtroom 1

**ORDER SUSTAINING DEBTORS' SECOND OMNIBUS OBJECTION TO CLAIMS  
PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE AND  
BANKRUPTCY RULES 3003 AND 3007**  
**[INSUFFICIENT DOCUMENTATION CLAIMS] [DOCKET NO. ]**

Upon consideration of the *Debtors' Second Omnibus Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007*[Insufficient Documentation Claims] [Docket No. \_\_\_\_] (the “Second Omnibus Objection”),<sup>2</sup> filed by above-captioned debtors and debtors in possession (collectively, the “Debtors”), requesting that the Court enter an order disallowing and expunging in full the Insufficient Documentation Claims; and the Court having jurisdiction to consider the Second Omnibus Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed the Second Omnibus Objection; the Court hereby finds and determines that, pursuant to Rule 3007 of the Federal Rules of Bankruptcy Procedure, due and proper notice has been provided to the holders of the Insufficient Documentation Claims and all other parties entitled to notice; and no other or further notice is necessary; and the relief requested in the Second Omnibus Objection is in the best interests of the Debtors, their estates and creditors; and that the legal and factual bases set forth

LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Second Omnibus Objection.

1 in the Second Omnibus Objection establishes just cause for the relief requested therein; therefore

2 IT IS HEREBY ORDERED THAT:

3 1. The Second Omnibus Objection is granted.

4 2. The following claims are disallowed in their entirety:

5 • Claim No. 7, filed by Charles Damus & Associates in Case No. 09-14846 against  
6 Rhodes Design and Development Corporation in the amount of \$12,000.00; and  
7 • Claim No. 14, filed by Citibank South Dakota, N.A. in Case No. 09-14882 against  
8 Rhodes Homes Arizona, LLC in the amount of \$4,738.45.

9 3. This Court shall retain jurisdiction to hear and determine all matters arising from  
10 the implementation of this Order.

11 APPROVED/DISAPPROVED:

12 DATED this 30th day of October 2009.

13 By: \_\_\_\_\_

14 UNITED STATES TRUSTEE

15 August B. Landis

16 Office of the United States Trustee

300 Las Vegas Blvd. S., Ste. 4300

17 Las Vegas, NV 89101

18 Submitted by:

19 DATED this 30th day of October 2009.

20 By: /s/ Zachariah Larson

21 LARSON & STEPHENS

22 Zachariah Larson, Esq. (NV Bar No 7787)

23 Kyle O. Stephens, Esq. (NV Bar No. 7928)

24 810 S. Casino Center Blvd., Ste. 104

25 Las Vegas, NV 89101

(702) 382-1170 (Telephone)

(702) 382-1169

zlarson@lslawnv.com

26 Attorneys for Debtors

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Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

1                   **LR 9021 Certification**  
2

3                   In accordance with LR 9021, counsel submitting this document certifies as follows (check one):  
4

5                    The court has waived the requirement of approval under LR 9021.  
6

7                    No parties appeared or filed written objections, and there is no trustee appointed in the case.  
8

9                    I have delivered a copy of this proposed order to all counsel who appeared at the hearing,  
10                  any unrepresented parties who appeared at the hearing, and any trustee appointed in this case,  
11                  and each has approved or disapproved the order, or failed to respond, as indicated below.  
12

13                  Submitted by:  
14                  DATED this \_\_\_\_ day of October, 2009.

15                  By: /s/ Zachariah Larson

16                  LARSON & STEPHENS

17                  Zachariah Larson, Esq. (NV Bar No 7787)

18                  Kyle O. Stephens, Esq. (NV Bar No. 7928)

19                  810 S. Casino Center Blvd., Ste. 104

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23                  zlarson@lslawnv.com

24                  Attorneys for Debtors

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